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**Rules of  
Department of Economic  
Development  
Division 120–State Board of Embalmers and  
Funeral Directors  
Chapter 2–General Rules**

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**Title 4—DEPARTMENT OF  
ECONOMIC DEVELOPMENT  
Division 120—State Board of  
Embalmers and Funeral Directors  
Chapter 2—General Rules**

**4 CSR 120-2.010 Embalmer's Registration  
and Apprenticeship**

*PURPOSE: This rule describes the procedures to be used to secure an embalmer's license.*

- (1) Every person desiring to enter the profession of embalming dead human bodies within Missouri, and who is enrolled in entering an accredited institution of mortuary science, must register with the board as a practicum student on the form provided by the board. Applications must be accompanied by the applicable fee.
- (2) After registration with the board as a practicum student in an accredited institution of mortuary science education, the student may assist in a Missouri licensed funeral establishment preparation room only under the direct supervision of a Missouri licensed embalmer and may assist in the direction of funerals only under the direct supervision of a Missouri licensed funeral director.
- (3) After graduating from an accredited institution of mortuary science education, the applicant then must file, with the executive secretary of the board, a transcript of his/her embalming school grades and a certificate from the school showing s/he is a graduate of that school.
- (4) If the applicant does not take the examination given by the national conference, the applicant must file with the board, on the form prescribed by the board, an application to take the embalming examination of this board. The application must be filed with the executive secretary of the board at least thirty (30) days before the examination and must be accompanied by the applicable fee.
- (5) The embalming examination administered by the board consists of written questions in two (2) sections. The Funeral Service Science section covers embalming, anatomy, pathology, bacteriology, hygiene, chemistry and restorative art. The Funeral Service Arts section covers mortuary administration and the laws, and rules governing the care, disposition and the transportation of dead human bodies.
- (6) Those applicants achieving a general average of seventy-five percent (75%) on the board's examination, and achieving no score in either section less than seventy percent (70%), will be deemed to have passed the board's examination. The board will permit an applicant who scores less than seventy-five percent (75%) on either section to retake the section, upon application and payment of the reexamination fee. On any reexamination of a single failed section, the applicant must score at least seventy-five percent (75%) to pass.
- (7) In lieu of the embalming examination administered by the board, the board will accept the results of the examination administered by the National Conference of Funeral Service Examining Boards. Should an applicant who intends to rely upon his/her scores on the National Conference of Funeral Service Examining Board's examination fail to achieve a general average of seventy-five percent (75%), with no score less than seventy percent (70%) on either section, the board will administer a reexamination of the failed section, upon application and payment of the applicable reexamination fee. On any reexamination of a single failed section, the applicant must score at least seventy-five percent (75%) to pass.
- (8) After the applicant has made a passing grade in both sections and has obtained the seventy-five percent (75%) general average on either the board examination or the National Conference examination, s/he then may apply for registration as an apprentice embalmer. This application must contain the name(s) of the Missouri-licensed embalmer(s) under whom s/he will serve. Each instructor must be registered with, and approved by, the board. Any change in instructors also must be registered and approved. Applications must be submitted on the forms provided by the board and must be accompanied by the applicable fee. Application forms are available from the board's executive secretary.
- (9) The period of apprenticeship under this rule must be at least one (1) year. The apprentice embalmer must devote at least thirty (30) hours per week to his/her duties as an apprentice embalmer.
- (10) An apprentice embalmer must serve the apprenticeship required by this rule under the supervision of an embalmer who is currently licensed in this state or who is currently licensed in a state with which the Missouri board has entered into a reciprocity agreement.
- (11) During the period of apprenticeship under this rule, the apprentice embalmer must file with the board's executive secretary at least twenty-five (25) case reports on bodies which s/he personally embalmed under the personal supervision of his/her supervisor.
- (12) During the apprentice embalmer's first six (6) months of apprenticeship, the supervisor must be physically present during the entire embalming process period. During the apprentice embalmer's second six (6) months of apprenticeship, the supervisor must be physically present at the beginning of the embalming process and available for consultation and personal inspection within a period of not more than one (1) hour after the operation.
- (13) The apprentice embalmer must mail each case report required by this rule to the board office within ten (10) days of the date on which the physician, medical examiner, coroner, or local registrar signs the death certificate. Each case report must be signed by the apprentice embalmer and his/her supervisor, and must be submitted on the forms provided by the board.
- (14) After completion of at least a one (1)-year apprenticeship as an apprentice embalmer as provided in this rule, the apprentice embalmer will be examined orally by the board on practical embalming and on the laws of this state governing the profession of embalming. Those students who achieve a score of seventy-five percent (75%) or greater will be deemed to have passed this examination.
- (15) After satisfactory completion of these requirements, an embalmer's license will be issued to an apprentice embalmer upon payment of the applicable fee and subject to the provisions of section 333.121, RSMo.
- (16) Should an applicant not appear for the oral examination before the board within five (5) years from the date of his/her graduation, his/her registration as an embalming student and as an apprentice embalmer and any written examination required under section (5) of this rule in which the applicant is required to successfully complete will be cancelled automatically.
- (17) Should an individual desire to obtain an embalmer's license after his/her license has become void under section 333.081.3, RSMo, the individual will be required to complete a six (6)-month period of apprenticeship during which time s/he will be required to embalm at least twelve (12) dead human bodies under the supervision of a Missouri licensed embalmer. The applicant



will be required to pay the current apprenticeship registration and licensing fees to obtain a new embalmer's license under this rule.

(18) All documents filed with the board under this rule will become a part of its permanent files.

*AUTHORITY:* sections 333.III.1 and 536.023.3, RSMo Supp. 1998.\* Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Refiled March 26, 1976. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Amended: Filed April 6, 1978, effective July 13, 1978. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Rescinded and readopted: Filed Dec. 3, 1982, effective March 11, 1983. Amended: Filed July 17, 1989, effective Oct. 12, 1989. Amended: Filed March 26, 1991, effective Sept. 30, 1991. Amended: Filed Aug. 13, 1991, effective Jan. 13, 1992. Amended: Filed Oct. 16, 1991, effective Feb. 6, 1992. Amended: Filed Feb. 1, 1994, effective July 30, 1994. Amended: Filed Aug. 30, 1995, effective Feb. 25, 1996. Amended: Filed Dec. 22, 1997, effective June 30, 1998. Amended: Filed March 24, 1999, effective Oct. 30, 1999.

\*Original authority: 333.III.1, RSMo 1965, amended 1981, 1993, 1995 and 536.023.3, RSMo 1975, amended 1976, 1997.

**4 CSR 120-2.011 Eligibility to Take the Embalming Examination**  
(Rescinded March 11, 1983)

*AUTHORITY:* sections 333.041.3 and 333.III.1, RSMo Supp 1981. Original rule filed Jan. 13, 1982, effective Sept. 12, 1982. Rescinded: Filed Dec. 3, 1982, effective March 11, 1983.

**4 CSR 120-2.012 Registration for Embalming Internship**  
(Rescinded March 11, 1983)

*AUTHORITY:* sections 333.041.3 and 333.III.1, RSMo Supp 1981. Original rule filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed June 9, 1982, effective Sept. 12, 1982. Rescinded: Filed Dec. 3, 1982, effective March 11, 1983.

**4 CSR 120-2.020 Biennial License Renewal**

*PURPOSE:* This rule outlines the requirements and procedures for the annual renewal of embalmer's, funeral director's and funeral establishment's licenses.

(1) Each licensed embalmer or funeral director shall notify the board within thirty (30) days of each address change of the funeral establishment at which s/he is practicing and shall notify the board within thirty (30) days of any termination or creation of an employment relationship with a funeral establishment. Each holder of a funeral establishment license shall notify the board at least sixty (60) days prior to any change of address of the funeral establishment, sale of the funeral establishment or termination of business of the funeral establishment.

(2) A period of ninety (90) days' grace is established following the date by which every licensed embalmer, funeral director and establishment must renew their licenses. The board will cause a license to be renewed if renewal is sought and all fees paid before the expiration of the grace period. A nonrenewable license, not valid for active practice in Missouri, will be issued at no charge to a currently licensed embalmer, funeral director, or both, upon presentation of a signed notarized statement from the licensee attesting to the fact that the licensee is disabled and is no longer active in the practice of embalming, funeral directing, or both. If the licensee desires at some future date to return to active practice in Missouri, the board shall issue a valid renewal license upon payment of the current renewal fee and completion of the applicable renewal application form.

(3) The holders of expired embalmer's and funeral director's licenses which are not renewed during the grace period will be notified that their licenses have expired. The holder of an expired license shall be issued a new license by the board within two (2) years of the renewal date after the proper reactivation fees have been paid. Any embalmer's and funeral director's license not renewed within two (2) years shall be void.

(4) The licensee's failure to receive the renewal notice shall not relieve the licensee of the duty to pay the renewal fee and renew his/her license.

(5) The biennial license renewal date for embalmers and funeral directors shall be designated as June 1. The biennial license renewal date for funeral establishments shall be designated as January 1.

*AUTHORITY:* sections 333.081, RSMo 1994 and 333.III.1, RSMo Supp. 1998.\* Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Refiled March 24, 1976. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed June 9, 1982, effective Sept. 12, 1982. Amended: Filed Jan. 13, 1986, effective April 25, 1986. Amended: Filed April 2, 1992, effective Sept. 6, 1992. Amended: Filed March 24, 1999, effective Oct. 30, 1999.

\*Original authority: 333.081, RSMo 1965, amended 1981 and 333.III.1, RSMo 1965, amended 1981, 1993, 1995.

**4 CSR 120-2.021 Transitional Renewal Fee**  
(Rescinded November 12, 1987)

*AUTHORITY:* sections 333.III and 620.010.15(2), RSMo 1986. Original rule filed Feb. 9, 1982, effective May 13, 1982. Rescinded: Filed Aug. 26, 1987, effective Nov. 12, 1987.

**4 CSR 120-2.022 Retired License**

*PURPOSE:* This rule clarifies the requirements to retire from the practice of funeral directing and/or embalming.

(1) Any person licensed to practice as a funeral director and/or embalmer over sixty-five (65) years of age in this state who retires from such practice, shall file with the board an affidavit, on a form to be furnished by the board, which states the date on which s/he retired from such practice, that s/he will not practice such profession and such other facts as tend to verify the retirement as the board may deem necessary; but if s/he thereafter wishes to reengage in the practice, s/he shall renew his/her registration with the board as provided in section 333.081.1, RSMo.

(2) For purposes of this section, a retired funeral director and/or embalmer is one who is neither engaged in the active practice of funeral directing/embalming nor holds him/herself out as an actively practicing funeral director/embalmer and has executed and filed with the board a retirement affidavit. A retired funeral director/embalmer may keep his/her wall-hanging certificate after execution of a retirement affidavit but shall surrender, upon retirement, all other indicia of licensure.

*AUTHORITY: sections 333.III.1, RSMo Supp. 1995 and 536.023.3, RSMo 1994.\* Original rule filed July 15, 1996, effective Jan. 30, 1997.*

*\*Original authority: 333.III.1, RSMo 1965, amended 1981, 1993, 1995 and 536.023.3, RSMo 1975, amended 1976.*

#### 4 CSR 120-2.030 Registration of Licensees With Local Registrars of Vital Statistics

*PURPOSE: This rule outlines the procedure for registering renewal licenses with local registrars.*

(1) Every holder of an embalmer's or funeral director's license, upon receiving his/her license(s), annually shall register his/her signature, name, address and license number with the local registrar of vital statistics for the registration district in which the licensee practices.

(2) Whenever a licensee changes his/her place of employment from the jurisdiction of one (1) registration district to another registration district, within ten (10) days after that change, s/he shall register with the local registrar to whose jurisdiction s/he has moved.

(3) The boundaries of the registration district shall be determined as required by the rules promulgated by the Department of Health.

(4) Each embalmer who embalms a dead human body shall state on the reverse side of the death certificate that s/he embalmed the dead human body described on the face of the death certificate. Each statement must be signed by the licensed embalmer. If the body was not embalmed, the fact that the body was not embalmed shall be stated on the reverse side of the death certificate prior to the filing of the death certificate by the funeral director.

(5) Each signature of a licensed embalmer on a death certificate must correspond with the same licensee's signature as registered with the local registrar of vital statistics.

*AUTHORITY: sections 333.091, RSMo 1986 and 333.III.1, RSMo Supp. 1993.\* Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Refined March 24, 1976. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Amended: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed June 9, 1982, effective Sept. 12, 1982. Amended: Filed Jan. 13, 1986, effective April 24, 1986. Amended: Filed Aug. 4, 1986,*

*effective Oct. 11, 1986. Amended: Filed Jan. 15, 1988, effective April 11, 1988.*

*\*Original authority 1965, amended 1981.*

#### 4 CSR 120-2.040 Licensure by Reciprocity

*PURPOSE: This rule outlines the requirements and procedures for procuring a Missouri embalmer's or funeral director's license by reciprocity.*

(1) Applications for a Missouri embalmer's or funeral director's license by reciprocity must be made on the forms provided by the board and must be accompanied by the applicable fee. Application forms are available from the board's executive director.

(2) No license will be issued to a nonresident of Missouri unless the nonresident applicant shows to the board's satisfaction that his/her state of residence will grant Missouri resident licensees a nonresident license in that state.

(3) Licenses will be issued by reciprocity to a Missouri resident, or a nonresident qualified under section (2) of this rule, holding a valid, unrevoked and unexpired license as an embalmer or funeral director in another state upon satisfying the board that s/he has fulfilled the following requirements:

(A) S/he must submit a copy of his/her original license which was obtained in the state from which s/he is applying;

(B) S/he must submit proof of his/her educational and professional qualifications, which must be substantially equivalent to the requirements existing in Missouri at the time s/he was originally licensed;

(C) S/he must submit a letter from the state board secretary of the state from which s/he is applying attesting—

1. Whether or not s/he is in good standing with that board;

2. Whether there are any complaints pending against him/her;

3. Whether or not his/her license(s) in that state has been suspended or revoked; and

4. To the grade rating upon which the license was granted. The letter shall be transmitted by the writer directly to the board's executive secretary; and

(D) S/he must achieve a score of seventy-five percent (75%) or greater on each section of the reciprocity examination administered by the board. Upon application and payment of the reexamination fee, those applicants failing to achieve a score of seventy-five percent (75%) on either section will be permitted at the board's next regularly scheduled examination to retake the section failed.

(4) The board's reciprocity examination will test the applicant's knowledge of the Missouri statutes and rules governing the practice of embalming, funeral directing, or both, and his/her knowledge of the availability of government benefits.

(5) A person holding a valid, unrevoked and unexpired license to practice embalming or funeral directing in another state or territory with requirements less than those of this state must satisfy all the requirements previously mentioned and, in addition, must provide evidence that s/he has practiced as an embalmer, funeral director, or both, for the five (5) consecutive years next preceding his/her application with this board.

(6) All credentials required by this rule for licensure by reciprocity must be in the possession of the board's executive secretary at least thirty (30) days before any regular meeting of the board.

(7) The board reserves the exclusive right to pass upon the standards of qualifications of the various states from which applicants may be accepted by reciprocity and it reserves the right to reject an applicant on educational, moral, ethical, professional or other grounds.

*AUTHORITY: sections 43.543, RSMo 1994 and 333.051, 333.III.1, RSMo Supp. 1997.\* Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed Sept. 5, 1990, effective March 14, 1991. Amended: Filed March 4, 1991, effective July 8, 1991. Amended: Filed Feb. 1, 1994, effective July 30, 1994. Amended: Filed Dec. 22, 1997, effective June 30, 1998.*

*\*Original authority: 43.543, RSMo 1993; 333.051, RSMo 1965, amended 1981; and 333.III.1, RSMo 1965, amended 1981, 1993, 1995.*

#### 4 CSR 120-2.050 Miscellaneous Rules

*PURPOSE: This rule incorporates miscellaneous rules pertaining to embalmer's and funeral director's licenses.*

(1) All licensees may represent themselves before the board without an attorney. If the licensee desires to be represented by an attorney, the attorney must be licensed to practice law in Missouri or meet the requirements of

the Supreme Court with respect to nonresident attorneys.

(2) The rules in this division are declared severable. If any rule, or section of a rule, is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions shall remain in full force and effect unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

(3) Upon written request to the board's executive secretary, copies of these rules will be provided to any licensed funeral director, registered intern, practicum student, student embalmer or member of the public.

(4) No temporary license authorized under section 333.041.7, RSMo will be issued until the board has been advised as to the location of the funeral establishment at which the temporary funeral director's license will be used. Any license issued under this section may be used only in connection with the operation of that funeral establishment. Violation of this rule will be deemed misconduct in the practice of funeral directing.

*AUTHORITY: sections 333.111.1, RSMo Supp. 1993 and 333.121.2(6), RSMo 1986.\* Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982.*

*\*Original authority: 333.111.1, RSMo 1965, amended 1981, 1993 and 333.121.2(6), RSMo 1965, amended 1981.*

**4 CSR 120-2.060 Funeral Directing**

*PURPOSE: This rules clarifies the provisions governing the practice of funeral directing.*

(1) Every person who desires to enter the profession of funeral directing in Missouri and who is not entitled to a license under section 333.051, RSMo, shall make application with the board for a funeral director license on the forms provided by the board and shall pay the funeral director application and the Missouri law examination and funeral director practical examination fees.

(2) Every applicant who has made application for a license as a funeral director and has been registered as a funeral director apprentice by the board shall serve a twelve (12)-month period of apprenticeship in a funeral

establishment licensed for the care and preparation for burial and transportation of the human dead in this state or in another state which has established standards for admission to practice funeral directing equal to, or more stringent than, the requirements for admission to practice funeral directing in this state. The apprentice funeral director shall devote at least fifteen (15) hours per week to his/her duties as an apprentice under the supervision of a Missouri licensed funeral director.

(3) During the period of apprenticeship, the apprentice funeral director must file with the board at least ten (10) case reports on funeral services that s/he has arranged and conducted under the supervision of a Missouri licensed funeral director. The apprentice funeral director must mail each case report required by this rule to the board office within thirty (30) days from the date of final disposition. Each case report must be signed by the apprentice funeral director and his/her supervisor, and must be submitted on the forms provided by the board. The board, at its discretion, may reject any case report that is not properly completed.

(4) After completion of the twelve (12)-month funeral director apprenticeship period, the apprentice funeral director shall make arrangements with the board office to appear at the designated examination site to take the Missouri law examination and the funeral director practical examination. Only those applicants achieving a score of seventy-five percent (75%) or greater on the law and practical examinations shall be deemed to have passed the examinations. If an applicant fails to achieve a score of seventy-five percent (75%) on either exam, s/he will be permitted to retake the examination by notifying the board office and submitting the required examination fee.

(5) All notifications for the funeral director's examinations must be received by the board at least thirty (30) days prior to the date of the next regularly scheduled examination and must be accompanied by any applicable fee.

(6) Upon successful completion of both the board's law and practical examinations, the apprentice funeral director will be issued a license to practice funeral directing.

(7) Upon acceptance of the application and examination fees, an applicant shall have twenty-four (24) months to successfully complete the requirements for licensure or the application will be canceled.

(8) If a Missouri licensed embalmer desires to enter the profession of funeral directing in

this state and is not entitled to a license under section 333.051, RSMo, s/he shall make application for a funeral director license and pay the application and examination fees. The applicant shall comply with all the requirements for licensure as a funeral director pursuant to section 333.041.1, RSMo. Upon successful completion of the board's law and practical examinations, the applicant will be issued a license to practice funeral directing.

(9) If an individual provides the board an official transcript and documentation indicating s/he is a graduate of an institute of mortuary science education accredited by the American Board of Funeral Service Education or any successor organization recognized by the United States Department of Education for Funeral Service Education and desires to enter the profession of funeral directing in this state and is not entitled to a license under section 333.051, RSMo, s/he shall make application for a funeral director license and pay the application and examination fees. The applicant shall comply with all the requirements for licensure as a funeral director pursuant to section 333.041.1, RSMo. Upon successful completion of the board's law and practical examinations, the applicant will be issued a license to practice funeral directing.

(10) Effective September 1, 2000, the nationally prepared State Board Funeral Service Arts Examination furnished by the International Conference of Funeral Service Examining Boards, Inc. will be administered by the board as its practical funeral director examination. Any applicant who provides evidence of having successfully completed the National Board Funeral Service Arts Examination or the State Board Funeral Service Arts Examination is exempt from the funeral director practical examination.

(11) If an individual provides the board an official transcript and documentation indicating s/he has successfully completed a course of study in funeral directing offered by a college accredited by a recognized national, regional or state accrediting body and approved by the State Board of Embalmers and Funeral Directors and desires to enter the profession of funeral directing in this state and is not entitled to a license under section 333.051, RSMo, s/he shall make application for a funeral director license and pay the application and examination fees. The applicant shall comply with all the requirements for licensure as a funeral director pursuant to section 333.041.1, RSMo. Upon successful completion of the board's law and practical

examinations, the applicant will be issued a license to practice funeral directing.

(12) A college accredited by a recognized national, state, or regional accrediting body may seek the approval of the State Board of Embalmers and Funeral Directors for a course of study in funeral directing by submitting a description of the program, the college catalog listing the course of study and evidence that the program has been approved to be offered in that institution by the administration of the college and the Coordinating Board of Higher Education.

(13) Effective January 1, 1995, a limited license will be issued by the board to any qualified individual who desires to work in a function B funeral establishment only upon application to the board for limited funeral director's license and upon payment of the funeral director's examination fee. Any applicant for a limited funeral director's license will be exempt from serving the six (6)-month period of internship, the six (6)-month period of apprenticeship, and passage of the board's practical examination but will be required to successfully complete the board's written funeral director's examination. Any license issued under this section will be identified as a limited license.

(14) Should a holder of a limited funeral director's license desire to obtain a full funeral director's license, the individual must fulfill all requirements described in sections (1)–(10), with the exception of passing the written funeral director's examination which is a requirement for the limited license.

(15) It shall be considered misconduct in the practice of funeral directing for a licensed funeral director to permit any unlicensed person to engage in, or take charge of, the activities for which a license is required by law.

(16) A licensed funeral director must be present and personally must supervise the conduct of each funeral service conducted by or from a licensed funeral establishment. A violation of this section will be considered misconduct in the practice of funeral directing.

(17) A licensed funeral director must be present and personally must supervise an interment service or cremation service. A violation of this section will be deemed misconduct in the practice of funeral directing. Once the body has been delivered to a cemetery for the purpose of interment or to a crematory for the purpose of cremation and after any ceremonial funeral services have been completed, the funeral director is not required to stay with the body. Nothing in this rule shall be interpreted as requiring the funeral direc-

tor to leave the cemetery before disposition is complete. Furthermore, nothing in this rule shall be interpreted as relieving the funeral director of any responsibilities s/he has under his/her contract with the person(s) having the right to control the incidents of burial.

(18) An unlicensed person may transport dead human bodies from the place of death to another location or may transport dead human bodies out of this state if these services are performed under the direction of a licensed funeral establishment.

(19) No person other than a duly licensed and registered funeral director may make the following at-need arrangements with the person having the right to control the incidents of burial:

(A) In connection with the temporary or final entombment or cremation, disinterment, reinterment or other lawful disposition of a dead human body;

(B) For the care, preparation, shipment or transportation of a dead human body; and

(C) For the sale or rental to the public of funeral merchandise, services or paraphernalia from a funeral establishment.

(20) The taking of preliminary information by an unlicensed person will not be construed as the making of at-need funeral arrangements under this rule.

(21) Whenever an unlicensed person makes other than at-need funeral arrangements on behalf of a funeral director or funeral establishment, the unlicensed person at all times must be under the supervision and control of a licensed funeral director.

(22) Violations of this rule will be deemed misconduct in the practice of funeral directing.

(23) The business and practice of funeral directing may be conducted only from a fixed place or establishment which has been licensed by the board.

*AUTHORITY: sections 333.III.1, RSMo Supp. 1998 and 333.121, RSMo 1994.\* Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Emergency amendment filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed Dec. 2, 1983, effective April 12, 1984. Amended: Filed July 29, 1988, effective Dec. 11, 1988. Amended: Filed Sept. 6, 1988, effective Dec. 11, 1988. Amended: Filed Sept. 6, 1989, effective Dec. 28, 1989.*

*Amended: Filed Sept. 5, 1990, effective March 14, 1991. Amended: Filed March 4, 1991, effective July 8, 1991. Amended: Filed March 26, 1991, effective Sept. 30, 1991. Amended: Filed Feb. 1, 1994, effective July 30, 1994. Amended: Filed Dec. 22, 1997, effective June 30, 1998. Rescinded and readopted: Filed Sept. 8, 1998, effective Jan. 30, 1999. Amended: Filed July 26, 1999, effective Jan. 30, 2000.*

*\*Original authority: 333.III.1, RSMo 1965, amended 1981, 1993, 1995 and 333.121, RSMo 1965, amended 1981.*

#### 4 CSR 120-2.070 Funeral Establishments

*PURPOSE: This rule clarifies the procedure for operating a funeral establishment.*

(1) Application for a funeral establishment license must be made on the forms provided by the board and must be accompanied by the appropriate fee. Applications are available from the board's office.

(2) The application shall indicate that the funeral establishment will be used for the—

(A) Embalming (including transportation to and from the funeral establishment) of dead human bodies;

(B) Cremation (including transportation to and from the funeral establishment) of dead human bodies;

(C) Care and preparation, otherwise than by embalming or cremating, for burial or transportation of the human dead; and

(D) Visitation and ceremonial funeral services only.

(3) A funeral establishment shall not increase the functions for which it will be used without first submitting a new application showing the function(s) for which the funeral establishment will be used and obtaining a new funeral establishment license based upon the new application. A funeral establishment may reduce the functions for which it is licensed by surrendering the right to use the establishment for one (1) or more functions. To increase the functions authorized after rights surrender, the previously discussed procedure for increase shall be followed.

(4) A funeral establishment shall not be used for any function other than the function(s) indicated in the application upon which its license is based.

(5) The application shall indicate the name and license number of the funeral director who is in charge of the general management and supervision of the funeral establishment.

When the funeral director in charge changes for a period of more than thirty (30) days, the new funeral director in charge and the former funeral director in charge, jointly or individually, shall notify the board of the change within thirty (30) days of the date when the change first occurs. Failure to notify the board shall be considered a violation of this rule on the part of each and on the part of the funeral establishment. A change in the funeral director in charge does not require a new funeral establishment license.

(6) Within thirty (30) days after an application for a funeral establishment license has been received in the board's office, the board will cause the establishment to be inspected. The board will act on the application and, within thirty (30) days after the application was received in the board's office, the applicant will be advised whether the license is granted or denied.

(7) Because the board's decision to grant or deny an establishment license will include a review of confidential information and may lead to legal actions, the portion of the meeting at which the board makes its decision, which may be a meeting by telephone conference call, shall be a closed meeting and the board's vote also shall be closed.

(8) The establishment license issued by the board is effective for a fixed place or establishment and for a specific name. Whenever the ownership, location or name of the licensed establishment is changed, a new license must be obtained. If the establishment maintains a chapel, preparation room or other funeral service facility in a building or portion physically separated from and located at a location designated by an address differing from the office, chapel or other facilities of the applicant, the chapel, preparation room or other funeral facility otherwise located shall be deemed to be a separate funeral establishment. Nothing contained in this rule will be construed or interpreted to require a separate registration for a building if it is joined or connected by a private passage, walk or driveway existing between the registered establishment and the other building.

(A) If a change of ownership is caused by the elimination of one (1) or more owners, for whatever reason (death, sale of interest, divorce) without the addition of any new owner(s), it is not necessary to obtain a new establishment license. However, a new application for an establishment license form must be filed as an amended application within thirty (30) days after the change of ownership. This form must be filled out complete-

ly with correct, current information.

(B) A corporation is considered by law to be a separate person. If a corporation owns an establishment, it is not necessary to obtain a new establishment license or to file an amended application for an establishment license form if the owners of the stock change. However, as a separate person, if a corporation begins ownership of an establishment or ceases ownership of an establishment, a new establishment license must be obtained regardless of the relationship of the previous or subsequent owner to the corporation.

(9) The professional business and practice of funeral directing shall be conducted only from a fixed place or establishment which has been licensed by the board except as permitted by section 333.071, RSMo. The funeral establishment physical facility shall be under the actual control of the owner or operator of the establishment. Every funeral establishment must provide and allow access to any member or duly authorized agent of the board for the purpose of inspection as provided by sections 333.061 and 333.101, RSMo. If any representative of the funeral establishment fails or refuses to provide or allow access, it shall be considered a violation of this rule by the funeral establishment and by the funeral director in charge of the funeral establishment. Additionally, if the funeral establishment representative who fails or refuses to provide or allow access holds any license or registration issued by this board, that person shall be in violation of this rule.

(10) No one licensed by this board may be employed in any capacity by an unlicensed funeral establishment. Violation of this section will be deemed misconduct in the practice of embalming or funeral directing.

(11) Only one (1) license will be issued by this board for any physical facility which is considered to be a funeral establishment as defined by statute. If a funeral establishment licensed by this board is destroyed by fire or some other disaster or act of God, the board, in its discretion, for a period of not more than six (6) months, may allow the licensed funeral establishment to continue its operation from another licensed funeral establishment or from a facility that has not been licensed as a funeral establishment if the facility meets the minimum requirements for the functions outlined in section (2) of this rule.

(12) All signs, stationery and advertising in newspapers, publications or otherwise must include the establishment name as registered with the board. The only exception to this

rule is previous name listings of the establishment placed in the white pages of a telephone directory or a national directory of funeral directors. This exception does not apply to advertisements placed in paid yellow page telephone directories. The funeral establishment, however, shall not advertise its previous name(s) in signs placed in the white pages of a telephone directory of a national directory of funeral directors, unless it owns the right to use that name(s). If the funeral establishment has the right to use its previous name(s), that name must appear first, followed by the current name of the establishment. Advertisements which do not comply with this section will be deemed to be misleading as the word is used in section 333.121, RSMo.

(13) The interior and exterior of the funeral establishment physical plant shall be kept free and clean of litter, dirt, debris and clutter or other objects or conditions which present a potential or actual hazard to the health, safety or welfare of the public.

(14) The interior and exterior of the funeral establishment physical plant shall be maintained in a manner which does not present a potential or actual hazard to the health, safety or welfare of the public.

(15) Each funeral establishment used solely or partially for embalming shall contain a preparation room which shall be devoted to activities incident or related to the preparation or the embalming, or both, of dead human remains and shall be equipped and maintained as described in 4 CSR 120-2.090.

(16) No person shall be permitted in a preparation room during the course of embalming a dead human body except the employees of the funeral establishment in which the human body is being embalmed, members of the family of the deceased and persons authorized by the members of the family of the deceased or by law.

(17) Each funeral establishment which is used solely or partially for cremations shall be equipped and maintained as described in 4 CSR 120-2.071.

(18) Each funeral establishment which is used solely or partially for the care and preparation, other than by embalming, for burial or transportation of the human dead, but not solely for visitation and ceremonial funeral service, shall contain a separate area for the care and custody of dead human remains and a separate area for confidential funeral arrangement conferences.

(19) Each funeral establishment which is used solely or partially for the care and preparation, other than by embalming, for burial or transportation of the human dead or solely for visitation and ceremonial funeral services shall—

(A) Contain a restroom, available drinking water and an area where funeral services may be conducted;

(B) Be equipped with, or have access to, equipment necessary for conducting and arranging funeral services, such as tables or desks and chairs for arrangement conferences, file cabinets for the confidential storage of funeral records, seating for chapel-visitation room, casket bier, register book stand, officiate stand, flower display stands, organ, piano, music-producing equipment, or any combination of these; and

(C) Not make, through its representative, arrangements for the embalming of remains at a facility unless embalming may be performed legally at that facility according to the law of the jurisdiction in which the facility is located.

(20) Each funeral establishment which is already licensed on September 11, 1987, shall notify the board in writing of the function(s) for which the funeral establishment will be used at or before the time when the funeral establishment renews its license for the renewal period which commences on January 1, 1987.

(21) According to section 333.121.2(17), RSMo, the State Board of Embalmers and Funeral Directors may impose disciplinary action for failure to obtain authorization to embalm from the person entitled to custody or control of the body, if the body is embalmed. If the body is not embalmed, a funeral establishment shall not hold the unembalmed body for any longer than twenty-four (24) hours unless the unembalmed body is refrigerated or encased in an airtight metal or metal-lined burial case, casket or box that is closed and hermetically sealed. If the deceased gave written authorization to embalm and did not revoke the authorization, the authorization shall satisfy this requirement. If the deceased did not give written authorization to embalm, the next of kin of the deceased may give authorization to embalm. Authorization to embalm may be given by the next of kin prior to the death of the person whose body is to be embalmed. Authorization to embalm given prior to death may be in any written document, including a preneed contract. Authorization for embalming may be given by the following:

(A) The next of kin, for purposes of this

rule, shall be the following person(s), in the priority listed, if that person is over the age of eighteen (18) years and is mentally competent:

1. Surviving spouse;

2. Any surviving child;

3. Any surviving parent. If the deceased was a minor, a surviving parent who had custody of the minor;

4. Any surviving brother or sister; or

5. Any surviving relative by blood or marriage;

(B) Any person or friend who assumes responsibility for the disposition of the deceased's remains if no next of kin assumes such responsibility;

(C) The county coroner or medical examiner pursuant to the provisions of Chapter 58, RSMo;

(D) If the body is required to be buried at public expense, the body shall be disposed of according to the terms of section 194.150, RSMo;

(E) If the funeral establishment receives no authorization to embalm from any of the persons identified in subsections (21)(A), (B), or (C) of this rule, the funeral establishment may proceed with embalming if it has attempted to locate a person from whom authorization to embalm may be obtained for at least six (6) hours and it has a written statement from city, county, or state law enforcement officials that they have assisted the funeral establishment in attempting to locate such a person. However, the embalmer may proceed to embalm sooner if the condition of the body is such that waiting for six (6) hours would substantially impair the ability to effectively embalm the body or if the deceased died as a result of a communicable disease, was subject to isolation at the time of death, and has not been properly embalmed; and

(F) If an embalmer proceeds to embalm a body under the provisions of subsection (21)(E), the funeral establishment which employs the embalmer shall not require payment for the embalming unless the funeral arrangements which are subsequently made are those that embalming is required.

(22) Each funeral establishment shall maintain documentation of the following information regarding authorization to embalm a body which is embalmed by or on behalf of the funeral establishment:

(A) When authorization to embalm is given in writing—

1. The name and signature of the person who is authorizing embalming;

2. The relationship of that person to the deceased;

3. The time and date authorization to embalm was given; and

4. The name and title of the person receiving authorization to embalm on behalf of the funeral establishment; and

(B) Authorization to embalm must be given in writing if the person authorizing embalming is present in the funeral establishment or in the physical presence of the person receiving authorization to embalm on behalf of the funeral establishment. If verbal authorization to embalm is given, the funeral establishment must document—

1. The name of the person who is actually authorizing embalming (surviving spouse), if different from the person who is verbally communicating authorization to embalm to the funeral establishment;

2. The relationship of that person to the deceased;

3. The name of the person who is verbally communicating authorization to embalm and that person's relationship to the person who is actually authorizing embalming;

4. The time and date authorization to embalm was given; and

5. The name and title of the person receiving authorization to embalm on behalf of the funeral establishment.

(23) Each funeral establishment must maintain the following documents for a minimum of one (1) year:

(A) Embalming logs;

(B) Purchase agreements;

(C) Authorizations to embalm;

(D) Preneed contracts which have been cancelled or fulfilled;

(E) Authorizations to cremate; and

(F) General price list.

(24) No dead human body shall be buried, interred, cremated, or be removed from this state, unless the burial, interment, cremation, removal, or other authorized disposition, is performed under the direction of a Missouri licensed funeral establishment or Missouri licensed funeral director who is engaged in the practice of funeral directing in a licensed funeral establishment in an adjacent and contiguous county to the state of Missouri.

(25) Whenever a dead human body is donated to a medical or educational institution for medical and/or scientific study and arrangements for return of the body to the legal next of kin have not been made, then delivery of the body to the medical or educational institution shall constitute final disposition. If, however, arrangements for return of the body to the legal next of kin have been made, then

final disposition shall be the burial, interment, cremation, or removal of the body out of this state, after the medical or educational institution has returned the body.

*AUTHORITY: sections 333.111.1, RSMo Supp. 1996 and 333.121 and 333.145, RSMo 1994.\* Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Amended: Filed Aug. 16, 1976, effective Dec. 11, 1976. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed Aug. 6, 1982, effective Nov. 11, 1982. Amended: Filed Sept. 12, 1985, effective Dec. 26, 1985. Rescinded and readopted: Filed May 28, 1987, effective Sept. 11, 1987. Amended: Filed June 24, 1988, effective Sept. 29, 1988. Amended: Filed Sept. 6, 1988, effective Dec. 11, 1988. Amended: Filed Sept. 6, 1989, effective Dec. 28, 1989. Amended: Filed Dec. 4, 1989, effective March 11, 1990. Amended: Filed Sept. 5, 1990, effective March 14, 1991. Amended: Filed March 4, 1991, effective Sept. 30, 1991. Amended: Filed Aug. 15, 1991, effective Jan. 13, 1992. Amended: Filed Dec. 14, 1992, effective June 7, 1993. Amended: Filed Nov. 29, 1994, effective July 30, 1995. Amended: Filed Sept. 3, 1996, effective April 30, 1997.*

*\*Original authority: 333.111.1, RSMo 1965, amended 1981, 1993, 1995; 333.121, RSMo 1965, amended 1981; and 333.145, RSMo 1981.*

**4 CSR 120-2.071 Funeral Establishments Containing a Crematory Area**

*PURPOSE: This rule outlines the requirements and procedures for operating a crematory establishment in Missouri.*

(1) Definitions.

(A) Cremated remains—the bone fragments which remain after the cremation process is completed.

(B) Cremation—the technical heating process which reduces remains to bone fragments through heat and evaporation; the final disposition of dead human remains.

(C) Cremation box—a container into which cremated remains are placed for transportation or short-term storage.

(D) Cremation chamber—the total mechanical unit for the actual cremation process.

(E) Cremation container—the case in which the human remains are delivered to the crematory area for cremation.

(F) Crematory area—the building or por-

tion of a building which houses the cremation chamber and the holding facility.

(G) Holding facility—the area within the crematory area in which dead bodies are placed while awaiting cremation.

(H) Short-term storage—storage for a period of thirty (30) days or fewer.

(I) Urn—the receptacle into which the cremated remains are placed for other than transportation or short-term storage.

(2) No body shall be cremated in this state unless a license has been issued previously by this board for the facility in which the body is cremated to be operated as a funeral establishment.

(3) Each funeral establishment which contains a crematory area shall maintain permanent records which shall include:

(A) A written authorization for cremation executed prior to cremation by the person entitled to custody or control of the body which shows the time and date when authorization for cremation was given; and

(B) Information regarding the cremation which shall include:

1. The full name of the deceased;
2. The last place of residence of the deceased;
3. The place of death of the deceased;
4. The place of birth of the deceased;
5. The date and place of the funeral;
6. The name of the funeral director with whom the arrangements were made;
7. The name of the person(s) who made the arrangements with the funeral director and the relationship to the deceased;
8. The date and time when cremation was begun;
9. The name and address of the person to whom the cremated remains were released or the location where the cremated remains were placed; and
10. If the cremated remains were delivered or placed other than by an employee of the funeral establishment, the name of the person who made the delivery or placement or the name of the business by which the cremated remains were shipped along with the receipt number.

(4) If the deceased gave written authorization to cremate and did not revoke the authorization, that authorization shall satisfy the requirement for authorization to cremate. If the deceased did not give written authorization to cremate, the next of kin of the deceased may give authorization to cremate. Authorization to cremate given prior to the death may be in any written document, including a preneed contract.

(A) The next of kin, for purposes of this rule, shall be the following person(s), in the priority listed, if that person is over the age of eighteen (18) years and is mentally competent:

1. Surviving spouse;
2. Any surviving child;
3. Any surviving parent. If the deceased was a minor, a surviving parent who had custody of the minor;
4. Any surviving brother or sister; or
5. Any surviving relative by blood or marriage;

(B) Any person or friend who assumes responsibility for the disposition of the deceased's remains if no next of kin assumes such responsibility;

(C) The county coroner or medical examiner pursuant to the provision of Chapter 58, RSMo; and

(D) If the funeral establishment receives no authorization for cremation from any of the persons identified in subsections (4)(A), (B), or (C) of this rule, the funeral establishment may proceed with cremation if it has attempted to locate a person from whom authorization to cremate may be obtained for at least ten (10) days and it has a written statement from city, county, or state law enforcement officials that they have assisted the funeral establishment in attempting to locate a person from whom authorization for cremation could be obtained but have been unable to locate such a person. However, the funeral establishment may proceed with cremation prior to the elapse of twenty-four (24) hours if the deceased died as a result of a communicable disease, was subject to isolation at the time of death, and has not been properly embalmed.

(5) The cremation chamber shall be constructed specially to withstand high temperatures and protect the surrounding structure.

(6) The crematory area shall include a work center area equipped with forced air ventilation adequate to protect the health and safety of the operator and any other person(s) present.

(7) No person shall be permitted in the crematory area while any dead human body is in the crematory area awaiting cremation or being cremated or while the cremation remains are being removed from the cremation chamber except employees of the funeral establishment in which the body is being cremated, members of the family of the deceased and persons authorized by the members of the family of the deceased or by law.

(8) When there is no funeral establishment employee in the area, the crematory area

shall be secure from entry by persons other than funeral establishment employees.

(9) Each body shall be delivered to the crematory in a cremation container, or casket made of wood, wood product or metal. The cremation container shall be composed of a combustible, nonexplosive, opaque material which is adequate to assure protection to the health and safety of any person in the crematory area. The casket or container shall be leak resistant if the body enclosed is not embalmed or if death was caused by a contagious disease.

(10) The funeral director with whom the arrangements are made shall make inquiry to determine the presence or existence of any body prosthesis, bridgework or similar items.

(11) No body shall be cremated with a pacemaker in place. The funeral director with whom the arrangements are made shall take all steps necessary to ensure that any pacemakers are removed prior to cremation.

(12) No body shall be cremated until after a completed death certificate has been filed with the local registrar as required by section 193.175, RSMo.

(13) Each cremation container or casket into which a body is placed shall be placed into the cremation chamber with the body and be cremated and each cremation box or urn into which the cremated remains are placed after removal from the cremation chamber shall be labeled clearly with the full name of the deceased and the name of the funeral establishment with whom the arrangements were made.

(14) The remains of only one (1) body shall be in the cremation chamber at one (1) time unless simultaneous cremation has been authorized in writing by the person(s) entitled to custody or control of each body.

(15) Following the completion of the cremation process, all residual of the cremation process including the cremated remains and any other matter shall be thoroughly removed from the cremation chamber prior to placing another body in the cremation chamber.

(16) If the cremated remains do not fill the interior of the cremation box adequately, the extra space may be filled with shredded paper or clean absorbent cotton.

(17) If the cremated remains will not fit within the receptacle designated in the arrangements, the remainder shall be placed in a sep-

arate receptacle or, if written permission is obtained from the person entitled to custody or control of the body, disposed of in some other manner.

(18) The cremation box shall be composed of rigid materials which shall be sealed in order to prevent the leakage of cremated remains or the entry of foreign objects.

(19) If the cremated remains are to be shipped, the cremation box shall be packed securely in a corrugated cardboard box which is securely closed with tape acceptable to the shipper.

(20) Cremated remains shall be shipped only by a method which has an internal tracing system available and which provides a receipt signed by the person accepting delivery.

(21) Each urn into which cremated remains are placed shall be made of a durable material which shall enclose the cremated remains entirely.

(22) Each funeral establishment which comes into possession of cremated remains, whether or not it is the funeral establishment at which the cremation occurred, shall retain the cremated remains until they are delivered, placed or shipped pursuant to the instructions of the person(s) entitled to custody or control of the body. However, nothing in this rule shall prohibit a funeral establishment from disposing of cremated remains in another fashion if the funeral establishment has obtained written permission for other disposition contingent upon the funeral establishment attempting to dispose of the cremated remains according to instructions but being unable to do so through no fault of the funeral establishment and provided that other disposition shall not occur prior to thirty (30) days after cremation.

(23) Nothing in this rule shall be construed to prohibit a funeral establishment which contains a crematory area from establishing more restrictive standards for its own operation.

*AUTHORITY: section 333.III, RSMo Supp. 1997 and 333.145, RSMo 1994.\* Original rule filed May 29, 1987, effective Sept. 11, 1987. Amended: Filed Jan. 15, 1988, effective April 11, 1988. Amended: Filed April 16, 1990, effective Sept. 28, 1990. Amended: Filed Nov. 15, 1991, effective April 4, 1992. Amended: Filed Sept. 3, 1996, effective April 30, 1997. Amended: Filed Dec. 22, 1997, effective June 30, 1998.*

*\*Original authority: 333.III, RSMo 1965, amended 1981, 1993, 1995 and 333.145, RSMo 1981.*

#### 4 CSR 120-2.080 Written Statement of Charges

*PURPOSE: This rule establishes a minimum disclosure requirement to provide better safeguards to Missouri citizens purchasing funeral services and merchandise and in particular, purchases of caskets and outer burial containers by requiring specific identifying information to be included on the written statement of charges.*

(1) Every funeral director in charge of arranging for any funeral service, or arranging for the delivery of any funeral merchandise, shall give or cause to be given to the person(s) making such arrangements a written statement of charges for the funeral merchandise and services selected.

(2) The written statement of charges shall be completed and given to the person(s) making such arrangements at the time such arrangements are completed but prior to the time of rendering the service or providing the merchandise and it shall contain, at a minimum, the following information:

(A) The name and address of the funeral establishment in charge of the arrangements, or the name and address of the funeral establishment in charge of providing the merchandise selected, including the name and signature of the funeral director in charge of the arrangements or providing the merchandise;

(B) The name, address and signature of the purchaser;

(C) The date of the purchaser's and funeral director's signature;

(D) The name of the deceased and the date of death;

(E) The price of the service(s) selected and the price of the supplemental (additional) items of service;

(F) The price of the merchandise selected which shall include a detailed description of the casket and outer burial container;

(G) The amount and description of all cash advance items; and

(H) The method of payment.

(3) Violations of this rule will be deemed misconduct in the practice of funeral directing.

*AUTHORITY: sections 333.III, RSMo Supp. 1997 and 333.145, RSMo 1994.\* Original rule filed Oct. 17, 1975, effective Oct. 28,*

1975. Amended: Filed Nov. 10, 1976, effective March 11, 1977. Emergency amendment filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Amended: Filed Nov. 8, 1978, effective Feb. 11, 1978. Rescinded: Filed Jan. 13, 1982, effective April 11, 1982. Readopted: Filed Nov. 29, 1994, effective July 30, 1995. Amended: Filed Dec. 22, 1997, effective June 30, 1998.

\*Original authority: 331.111, RSMo 1965 amended 1981, 1993 and 333.145, RSMo 1981.

#### 4 CSR 120-2.090 Preparation Rooms

**PURPOSE:** This rule outlines the laws and rules governing the standards required of funeral establishment preparation rooms.

**Editor's Note:** The secretary of state has determined that the publication of this rule in its entirety would be unduly cumbersome or expensive. The entire text of this rule has been filed with the secretary of state. The entire text of the rule may be found at the headquarters of the agency and is available to any interested person at a cost established by state law.

(1) Whenever used in this rule, the phrase preparation room refers to that room in a licensed funeral establishment where dead human bodies are embalmed.

(2) The following requirements for the maintenance and cleanliness of preparation rooms apply at all times, regardless of whether a dead human body is being embalmed or not.

(3) Floors, Walls and Ceilings. All preparation room floor surfaces must be smooth, nonabsorbent materials and so constructed as to be kept clean easily. Floor drains must be provided where the floor is to be subjected to cleaning by flooding. All walls and ceilings must be easily cleanable and light colored, and must be kept and maintained in good repair. All walls shall have washable surfaces.

(4) Plumbing.

(A) All plumbing must be sized, installed and maintained so as to carry adequate quantities of water throughout the funeral establishment, prevent contamination of the water supply, properly convey sewage and liquid waste from the preparation room to the sewage disposal system and prevent creation of an unsanitary condition or nuisance.

(B) All plumbing must be sized, installed and maintained in accordance with local plumbing laws and ordinances. Where local codes are not in force, the *BOCA National*

*Plumbing Code* published by Building Officials & Code Administrators International, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, shall apply.

(5) Sewage and Liquid Waste Disposal.

(A) All sewage and water-carried wastes from the entire establishment, including the preparation room, must be disposed of in a public sewage system or an approved disposal system which is constructed, operated and maintained in conformance with the minimum standards of the Department of Health.

(B) The following aspirators are approved for preparation rooms:

1. Electric aspirators;

2. Water-operated aspirators. All water-operated aspirators shall be protected from back siphonage by the minimum of an atmospheric vacuum breaker approved by the American Society of Sanitary Engineering or by the *Uniform Plumbing Code* and installed a minimum of twelve inches (12") above the maximum possible height of the embalming table; and

3. Water-controlled unit. All water-controlled units shall be installed and maintained according to the *Uniform Plumbing Code*, and properly protected from back siphonage with a back-flow prevention device approved by the American Society of Sanitary Engineering or the *Uniform Plumbing Code*.

(6) Solid Waste Disposal.

(A) Refuse, bandages, cotton and other solid waste materials must be kept in leakproof, nonabsorbent containers which must be covered with tight-fitting lids prior to disposal.

(B) All waste materials, refuse, and used bandage and cotton must be destroyed by reducing to ashes through incineration or must be sterilized and buried. Sterilization may be accomplished by soaking for thirty (30) minutes in a solution of five percent (5%) formaldehyde, one (1) pint of formalin to seven (7) pints of water.

(7) Disposal of Body Parts. Human body parts not buried within the casket must be disposed of by incineration in a commercial or industrial-type incinerator or buried to a depth which will insure a minimum of three feet (3') of compacted earth cover (overlay).

(8) A mechanical exhaust system is required. Care must be taken to prevent the discharge of exhaust air into an area where odors may create nuisance problems.

(9) All preparation rooms and all articles stored in them must be kept and maintained

in a clean and sanitary condition. All embalming tables, hoppers, sinks, receptacles, instruments and other appliances used in embalming or other preparation of dead human bodies must be so constructed that they can be kept and maintained in a clean and sanitary condition. The following minimum standards shall apply:

(A) An eye wash kit (bank) must be present and operable;

(B) Facilities must exist for the proper sterilization of embalming instruments and the embalming table;

(C) Facilities for the proper storage of embalming instruments must be maintained. At a minimum, a chest or cabinet must be used for the storage of embalming instruments;

(D) All types of blocks used in positioning a dead human body on an embalming table must be made of nonabsorbent material. All wooden blocks must be sealed and painted with enamel; and

(E) When not in use, embalming tables must be cleaned, sterilized and covered with a sheet.

(10) Food and Beverages.

(A) There may be no direct opening between the preparation room and any room where food and beverages are prepared or served.

(B) The Department of Health sanitation laws and rules governing food sanitation apply to the operation, construction and sanitation of food service facilities, where provided for the comfort and convenience of a funeral party; provided, however, that coffee service utilizing single-service cups and spoons and a coffee maker of easily cleanable construction shall be deemed acceptable where this service is the only food service offered.

(C) A funeral home providing coffee service utilizing single-service items and coffee makers of easily cleanable construction must provide a water supply faucet at a suitable sink of easily cleanable construction for the filling and cleaning of this equipment in an area separate from the preparation room and restrooms.

(11) A separate wash sink (separate from slop drain sink) must be present or in close proximity to the preparation room for a personal hand wash facility for embalmers and the disinfecting of embalming equipment. If the wash sink is not present in the preparation room, it shall be in a location close to the preparation room which is not accessible to the public and it shall be at a distance of no further than ten feet (10').



(12) Preparation rooms shall contain only the articles, instruments, and items that are necessary for the preparation, embalming, and final disposition of dead human bodies.

*AUTHORITY: sections 192.020, 333.061.1(3), 333.061.2(3) and 333.III.1, RSMo 1994.\* Original rule filed Oct. 17, 1975, effective Oct. 28, 1975. Refiled March 24, 1976. Emergency rule filed Nov. 9, 1978, effective Nov. 20, 1978, expired Feb. 11, 1979. Rescinded and readopted: Filed Nov. 8, 1978, effective Feb. 11, 1979. Rescinded and readopted: Filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed Aug. 13, 1984, effective Jan. 13, 1985. Amended: Filed June 2, 1986, effective Sept. 1, 1986. Amended: Filed Nov. 15, 1991, effective April 4, 1992. Amended: Filed May 26, 1993, effective Nov. 8, 1993. Amended: Filed May 16, 1995, effective Dec. 30, 1995.*

*\*Original authority: 192.020, RSMo 1939, amended 1945, 1951; 333.061.1(3) and 333.061.2(3), RSMo 1965, amended 1981; and 333.III.1, RSMo 1965, amended 1981, 1993.*

**4 CSR 120-2.100 Fees**

*PURPOSE: This rule establishes and fixes the various fees and charges authorized by Chapter 333, RSMo.*

(1) The following fees hereby are established by the State Board of Embalmers and Funeral Directors:

- (A) Embalmer Practicum Student Registration Fee \$ 25.00
- (B) Embalmer State Board Examination Fee (per section) \$ 80.00
- (C) Embalmer Apprenticeship Registration Fee \$100.00
- (D) Embalmer Oral Examination Fee \$125.00
- (E) Embalmer Reciprocity Application Fee \$200.00
- (F) Embalmer Biennial Renewal Fee \$130.00
- (G) Missouri Law Examination Fee \$ 50.00
- (H) Funeral Director Application Fee \$100.00
- (I) Funeral Director Practical Examination Fee (prior to September 1, 2000) \$ 50.00 (September 1, 2000 and after) \$ 80.00
- (J) Funeral Director Reciprocity Application Fee \$200.00
- (K) Funeral Director Biennial Renewal Fee \$130.00

- (L) Reactivation Fee (up to one (1) year after lapse) \$100.00
- (M) Reactivation Fee (up to two (2) years after lapse) \$200.00
- (N) Establishment Application Fee \$100.00
- (O) Amended Establishment Application Fee \$ 25.00
- (P) Establishment Biennial Renewal Fee \$190.00
- (Q) Reciprocity Certification Fee \$ 10.00
- (R) Duplicate Wallhanging Fee \$ 10.00
- (S) Photocopy Fee (per page) \$ 0.25
- (T) Research Fee (per hour, requiring more than two (2) hours staff time) \$ 10.00
- (U) Collection Fee for Bad Checks \$ 25.00
- (V) Law Book Requests \$ 5.00\*
- (W) Examination Review Fee \$ 25.00.

\*This fee will not apply to the initial copy of the law book which is automatically mailed to all applicants for licensure and to educational institutions of mortuary science. Furthermore, this fee will not be charged to licensees or any other individual, for additions or corrections to the law book after the initial copy is mailed.

(2) All fees are nonrefundable.

(3) The provisions of this rule hereby are declared severable. If any fee fixed by this rule is held invalid by a court of competent jurisdiction or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: section 333.III.1, RSMo Supp. 1998.\* Emergency rule filed June 30, 1981, effective July 9, 1981, expired Nov. 11, 1981. Original rule filed June 30, 1981, effective Oct. 12, 1981. Emergency amendment filed April 7, 1982, effective April 17, 1982, expired Aug. 14, 1982. Amended: Filed April 13, 1982, effective July 11, 1982. Amended: Filed June 9, 1982, effective Sept. 12, 1982. Amended: Filed Aug. 9, 1982, effective Nov. 11, 1982. Amended: Filed Jan. 13, 1984, effective April 12, 1984. Amended: Filed Aug. 9, 1984, effective Jan. 13, 1985. Amended: Filed Feb. 7, 1985, effective May 11, 1985. Amended: Filed Sept. 12, 1985, effective Dec. 26, 1985. Amended: Filed Oct. 3, 1986, effective Jan. 12, 1987. Amended: Filed Dec. 2, 1986, effective March 12, 1987. Amended: Filed March 2, 1987, effective May 25, 1987. Amended: Filed March*

*16, 1988, effective July 28, 1988. Amended: Filed Sept. 6, 1988, effective Dec. 11, 1988. Amended: Filed Dec. 2, 1988, effective March 11, 1989. Amended: Filed July 17, 1989, effective Oct. 12, 1989. Amended: Filed Dec. 4, 1989, effective March 11, 1990. Amended: Filed March 12, 1991, effective Aug. 30, 1991. Amended: Filed Oct. 16, 1991, effective May 14, 1992. Amended: Filed Feb. 1, 1994, effective July 30, 1994. Amended: Filed June 9, 1995, effective Dec. 30, 1995. Rescinded and readopted: Filed April 16, 1996, effective Nov. 30, 1996. Amended: Filed Dec. 22, 1997, effective June 30, 1998. Amended: Filed Sept. 8, 1998, effective Jan. 30, 1999. Amended: Filed March 24, 1999, effective Oct. 30, 1999. Amended Filed July 26, 1999, effective Jan. 30, 2000.*

*\*Original authority: 333.III.1, RSMo 1965, amended 1981, 1993, 1995.*

**4 CSR 120-2.105 Preneed Fees**

*PURPOSE: This rule establishes and fixes the fee for registration as a preneed contract seller and as a preneed contract provider.*

(1) The following registration fees for preneed funeral contract sellers and providers are established by the State Board of Embalmers and Funeral Directors:

- (A) Seller Registration Fee \$125.00;
  - (B) Provider Registration Fee (per funeral establishment) \$125.00;
  - (C) Processing an Amended Seller Registration Fee \$ 25.00;
- and
- (D) Processing an Amended Provider Registration Fee \$ 25.00.

(2) All fees are nonrefundable.

(3) The provisions of this rule are declared severable. If either fee fixed by this rule is held invalid by a court of competent jurisdiction, or by the Administrative Hearing Commission, the remaining provisions of this rule shall remain in full force and effect, unless otherwise determined by a court of competent jurisdiction or by the Administrative Hearing Commission.

*AUTHORITY: sections 333.III(2), RSMo Supp. 1993 and 436.071, RSMo 1986.\* Emergency rule filed Aug. 5, 1982, effective Aug. 15, 1982, expired Nov. 15, 1982. Original rule filed Aug. 5, 1982, effective Nov. 11, 1982. Amended: Filed Sept. 6, 1988, effective Dec. 11, 1988.*



*\*Original authority: 333.III(2), RSMo 1965, amended 1981, 1993 and 436.071, RSMo 1982.*

**4 CSR 120-2.110 Public Complaint Handling and Disposition Procedure**

*PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of public complaints by the board, pursuant to the mandate of section 4.16(6) of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo.*

*Editor's Note: The form mentioned in this rule follows 4 CSR 120-2.115.*

(1) The State Board of Embalmers and Funeral Directors shall receive and process each complaint made against any licensee, permit holder, registrant of the board or unlicensed individual or entity, which complaint alleges certain acts or practices which may constitute one (1) or more violations of the provisions of Chapter 333, RSMo. Any member of the public or the profession, or any federal, state or local officials may make and file a complaint with the board. Complaints shall be received from sources outside Missouri and processed in the same manner as those originating within Missouri. No member of the State Board of Embalmers and Funeral Directors shall file a complaint with this board while s/he holds that office, unless that member excuses him/herself from further board deliberations or activity concerning the matters alleged within that complaint. The executive secretary or any staff member of the board may file a complaint pursuant to this rule in the same manner as any member of the public.

(2) Complaints should be mailed or delivered to the following address: Executive Secretary, State Board of Embalmers and Funeral Directors, 3605 Missouri Boulevard, P.O. Box 423, Jefferson City, MO 65102-0423. However, actual receipt of the complaint by the board at its administrative offices in any manner shall be sufficient. Complaint may be made based upon personal knowledge, or upon information and belief, reciting information received from other sources.

(3) All complaints shall be made in writing and shall fully identify the complainant by name and address. Complaints shall be made on forms provided by the board and available upon request. Oral or telephone communications will not be considered or processed as complaints, but the person making these communications will be provided with a complaint form and requested to complete it and

return it to the board in written form. Any member of the administrative staff of the board or any member of the board may make and file a complaint based upon information and belief, in reliance upon oral, telephone or written communications received by the board, unless those communications are believed by that staff member to be false.

(4) Each complaint received under this rule shall be logged in a book maintained by the board for that purpose. Complaints shall be logged in consecutive order as received. The logbook shall contain a record of each complainant's name and address; the name and address of the subject(s) of the complaint; the date each complaint is received by the board; a brief statement of the acts complained of, including the name of any person injured or victimized by the alleged acts or practices; a notation whether the complaint resulted in its dismissal by the board or informal charges being filed with the Administrative Hearing Commission; and the ultimate disposition of the complaint. This logbook shall be a closed record of the board.

(5) Each complaint received under this rule shall be acknowledged in writing. The acknowledgment shall state that the complaint is being referred to the board for consideration at its next regularly scheduled meeting. The complainant shall be informed as to whether the complaint is being investigated, and later, as to whether the complaint has been dismissed by the board, or is being referred to legal counsel for filing with the Administrative Hearing Commission. The complainant shall be notified of the ultimate disposition of the complaint, excluding judicial appeals and shall be provided with copies of the decisions (if any) of the Administrative Hearing Commission and the board at that time. Provided, that the provisions of this section shall not apply to complaints filed by staff members of the board based on information and belief, acting in reliance on third-party information received by the board.

(6) The chairman of the board, from time-to-time and as s/he deems necessary, may instruct the board inspector/investigator to investigate any complaint before the complaint has been considered at a regularly scheduled board meeting. The inspector/investigator shall report any actions taken to the board at its next regularly scheduled meeting.

(7) Both the complaint and any information obtained as a result of the investigation shall be considered a closed record and shall not be available for inspection by the general pub-

lic. However, a copy of the complaint and any attachments shall be provided to any licensee who is the subject of that complaint, or his/her legal counsel, upon written request to the board.

(8) This rule shall not be deemed to limit the board's authority to file a complaint with the Administrative Hearing Commission charging a licensee of the board with any actionable conduct or violation, whether or not the complaint exceeds the scope of the acts charged in a preliminary public complaint filed with the board, and whether or not any public complaint has been filed with the board.

(9) The board interprets this rule, which is required by law, to exist for the benefit of those members of the public who submit complaints to the board and for those persons or entities within the legislative and executive branches of government having supervisory or other responsibilities or control over the professional licensing boards. This rule is not deemed to protect, or inure to the benefit of, those licensees or other persons against whom the board has instituted or may institute administrative or judicial proceeding concerning possible violations of the provisions of Chapter 333, RSMo.

*AUTHORITY: sections 4.16(6) of the Omnibus State Reorganization Act of 1974, Appendix B, RSMo 1986 and 333.III.1, RSMo Supp. 1993.\* Original rule filed Jan. 13, 1982, effective April 11, 1982. Amended: Filed Dec. 4, 1989, effective March 11, 1990.*

*\*Original authority: 333.III.1, RSMo 1965, amended 1981, 1993.*

**4 CSR 120-2.115 Procedures for Handling Complaints Against Board Members**

*PURPOSE: This rule establishes a procedure for the receipt, handling and disposition of complaints filed against members of the board.*

(1) Complaints against members of the board will be handled in the same manner as complaints against other licensees with minor variations specifically described in this rule.

(2) When a complaint against a board member is received by the staff, the staff shall take steps to make sure that the complaint is on the proper form(s) (that is, the Uniform Complaint Form). Once the complaint is received in the proper form, the complaint will be mailed to all members of the board

except the member who is the subject of the complaint. The member who is the subject of the complaint will automatically receive a summary of the complaint and will receive all agendas or other notices pertaining to when and where the complaint will be discussed. If the member who is the subject of the complaint requests additional information in writing, that information will be provided by the staff in consultation with the chairman (or vice-chairman, if the chairman is the subject of the complaint). In no event will the member who is the subject of the complaint be given information by the board or its staff which would reveal the name of the complainant, unless the member would have access if s/he were not a member of the board. If the board member learns the complainant's identity from the complainant, other board members and the staff subsequently may include the complainant's name in communication with the board member.

(3) At the meeting when the complaint is discussed, the board member who is the subject of the complaint shall not be present during discussion of the complaint unless by vote or consensus the remaining board members request the presence of the board member in question. The board member shall not participate in discussion of the complaint as a member of the board but shall participate in the same manner as any other licensee who is invited to appear before the board to discuss a complaint. The board member may be asked to leave the room at any time during the discussion. The board member shall leave the room prior to any vote which will determine the manner in which the complaint will be handled.

(4) After the remaining board members have completed voting on all action to be taken as a result of the complaint, the board member may return to the room. At that time, the board chairman (or vice-chairman, if the chairman is the subject of the complaint) will inform the board member of the action which the board has decided to take.

(5) If the board decides to have the complaint investigated, a copy of the investigative report will be mailed to all board members except the board member who is the subject of the complaint. The board member who is the subject of the complaint will be sent a copy of any notice or agenda which indicates that the investigative report will be discussed. The meeting at which the investigative report is discussed will follow the same procedures outlined in section (4) for the meeting at which the complaint is discussed.

(6) If the board chooses to take no further action as a result of the complaint or the investigative report, the board member will be informed of this decision. The board member will not subsequently have access to the investigative report or the complaint unless the member would have that access if s/he were not a member of the board.

(7) If the board chooses to refer the case to the attorney general's office, the board member will be informed of that fact. The board member will not be allowed access to the complaint or investigative report by virtue of his/her status as a board member. If the attorney assigned to the case chooses to release these documents to the board member or if the attorney is required for legal reasons to release these documents to the board member, the board member will be permitted access to the documents released by the attorney.

(8) The board member will not be present during any discussion of the case once the board has voted to refer the case to the attorney general's office. The exception to this rule will be only for prearranged formal meetings to discuss settlement, if the attorneys for both parties agree. The other board members will not discuss the case with the board member who is the subject of the case except at the formal meeting.

(9) The board member has the right to be represented by counsel at all formal or informal proceedings. Admissions made by the board member at or outside a board meeting may be used against the board member at hearing.

(10) The board member shall not have access to that portion of the minutes of any meeting which reflects discussion, motions or votes related to the complaint or case against the board member. These minutes shall be kept separately as special closed minutes and shall not be shared with the board member by the other board members or the staff unless the board member would be entitled to access to the minutes if s/he were not a board member.

(11) The provisions of sections (1)–(10) of this rule shall apply to any complaint against a funeral establishment at which a member of the board is employed or with which a member of the board is associated.

(12) The provisions of sections (1)–(10) of this rule shall apply to any complaint against any preneed registrant by which a member of the board is employed or with which a member of the board is associated, including, but not limited to, a complaint against a preneed

seller who sells for a funeral establishment with which a member of the board is associated. A board member will be considered to be employed by or associated with a preneed registrant if the board member receives a salary or wages from the preneed registrant or if a board member has an ownership interest in a preneed registrant. However, these procedures shall not apply to a board member who only receives commissions from the preneed registrant. Each member of the board shall keep the board's executive director notified of the preneed registrants by which the board member is employed and with which the board member is associated.

(13) The remaining members of the board may vote to exclude a member from participating in any matter based upon a conflict of interest. The vote must be a majority vote of all of the members present and voting except the member who is the subject of the vote. Participation shall include, but not be limited to, receipt of materials, presence during discussion and voting.

*AUTHORITY: section 333.III.1, RSMo Supp. 1993.\* Original rule filed Dec. 4, 1989, effective March 11, 1990. Amended: Filed April 16, 1990, effective Nov. 30, 1990. Amended: Filed April 2, 1992, effective Sept. 6, 1992.*

*\*Original authority: 333.III.1, RSMo 1965, amended 1981, 1993.*